

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL) MDL No. 2804
5 PRESCRIPTION OPIATE)
6 LITIGATION) Case No.
7) 1:17-MD-2804
8)
9 THIS DOCUMENT RELATES TO) Hon. Dan A.
10 ALL CASES) Polster
11)

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Monday, May 13, 2019

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

Videotaped Deposition of JAMES E.
RAFALSKI, held at Weitz & Luxenburg PC, 3011
West Grand Avenue, Suite 2150, Detroit,
Michigan, commencing at 9:20 a.m., on the
above date, before Michael E. Miller, Fellow
of the Academy of Professional Reporters,
Registered Diplomate Reporter, Certified
Realtime Reporter and Notary Public.

GOLKOW LITIGATION SERVICES
877.370.3377 ph | fax 917.591.5672
deps@golkow.com

1 complete that analysis. I don't have any
2 independent intentions of doing that.

3 Q. Sitting here today, you have no
4 opinions about the legitimacy of the flagged
5 orders from Dr. McCann's analysis, correct?

6 MR. FULLER: That misstates his
7 report.

8 A. It's -- Dr. McCann's report
9 doesn't report orders, it just reports dosage
10 units. It doesn't say how many orders. It
11 doesn't say there was an analysis of each
12 individual order.

13 It looked at them whether or
14 not they violated the trigger that was
15 provided for each one of them, and if it --
16 and then it moved forward without the --
17 because already knowing that there was
18 insufficient due diligence.

19 BY MR. EPPICH:

20 Q. And you reviewed -- let me
21 strike that.

22 Let's turn to page 74 of your
23 report. On page 74, I'm looking at
24 Section 6, the second paragraph in
25 particular. The first sentence there says:

1 There is no more effective control to prevent
2 diversion than blocking a suspicious order
3 before it is shipped.

4 Did I read that correctly?

5 A. You did, sir.

6 Q. And that's because a blocked
7 order of opioids remains safely in the vault
8 of the distributor's warehouse, correct?

9 A. I guess you could make that
10 assumption. It doesn't leave the control of
11 the distributor and have the potential to be
12 diverted, so I think that's probably the same
13 statement, yes, sir.

14 Q. You'd agree that reporting the
15 blocked order to DEA in a suspicious order
16 report does not prevent the blocked order
17 from being diverted, correct?

18 A. Well, that hypothetical
19 wouldn't occur because if you block an order
20 and report it, that doesn't -- unless you're
21 saying that that causes a distribution, and
22 if that causes the distribution without the
23 effective due diligence, then no, that would
24 not be true.

25 I would say that it would